

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3562

HOBBON/MIL-17



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION COMMISSION  
DEC 13 2018

2018 DEC 13 AM 7:55

**SENSITIVE**

December 13, 2018

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin D. Roser *KDR*  
Compliance Branch

SUBJECT: Reason to Believe Recommendation -  
Failure to File 48-Hour Notices under the Administrative Fine Program

Attached is the name of a principal campaign committee that has failed to timely file a 48-hour notice with the Commission for contributions of \$1,000.00 or more received from the close of books for the California 2018 12 Day Pre-Primary Report up to 48 hours before the June 5, 2018 Primary Election in accordance with 52 U.S.C. § 30104(a) and 11 CFR. § 104.5(f). The committee, Dr Tran for Congress, represents a candidate who lost the Primary Election. The committee is being referred for failing to timely file a 48-hour notice for contributions totaling \$50,000.00.

A 48-hour notice is required to report all contributions of a \$1,000.00 or more, to any authorized committee of a candidate, including contributions from the candidate, loans from the candidate and other non-bank sources and endorsements or guarantees of loans from banks, as per 11 CFR § 104.5(f).

We have attached an information sheet which includes the contributor name, date of receipt and amount of the contributions for which a 48-hour notice was not timely filed.

[illegible][illegible]

- # CONCLUSION

# CONCLUSION

14-00000

**Committee ID: C00647081**

**Report Type: 2018 July Quarterly Report (05/17/2018 – 06/30/2018)**

CONTRIBUTOR	DATE	AMOUNT
TRAN, MAI KHANH	6/1/2018	\$50,000.00
	TOTAL	\$50,000.00

**Proposed Civil Money Penalty: \$5,142.00 ((1 Notice Not Timely Filed at \$142 each) + (10% of the Overall Contributions Not Timely Reported))**

Federal Election Commission  
Reason to Believe Circulation Report  
48-Hour Notification Report

12/11/2018 10:41 AM

AF#	Committee ID	Committee Name	State	Election	Candidate Name	Treasurer	Prev Violations	Notices Not Filed	LOA	Penalty
3562	C00647081	DR TRAN FOR CONGRESS	CA	2018	MAI-KHANH TRAN	THAO TRACI TRAN	0	1	\$50,000	\$5,142

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 3562  
Reason to Believe Recommendation - )  
Failure to File 48-Hour Notices under the )  
Administrative Fine Program: Dr Tran )  
for Congress and Thao Traci Tran, in her )  
official capacity as treasurer )

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election  
Commission, do hereby certify that on December 14, 2018, the Commission  
decided by a vote of 4-0 to take the following actions in AF 3562:

1. Find reason to believe that Dr Tran for Congress and Thao Traci  
Tran, in her official capacity as treasurer, violated, 52 U.S.C.  
§ 30104(a) and make a preliminary determination that a civil money  
penalty of \$5,142 be assessed.
2. Send the appropriate letter.

Commissioners Hunter, Petersen, Walther, and Weintraub voted  
affirmatively for the decision.

Attest:

December 14, 2018  
Date

Dayna C. Brown  
Dayna C. Brown  
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 14, 2018

Thao Traci Tran, in official capacity as Treasurer  
Dr Tran for Congress  
777 S. Figueroa St., Suite 4050  
Los Angeles, CA 90017

C00647081  
AF#: 3562

Dear Ms. Tran:

The Federal Election Campaign Act of 1971, as amended, 52 U.S.C. § 30101, *et seq.* ("the Act"), requires principal campaign committees of candidates for federal office to notify in writing either the Secretary of the Senate or the Federal Election Commission ("FEC"), and the Secretary of State, as appropriate, of any contribution of \$1,000 or more, received by any authorized committee of the candidate after the 20th day, but more than 48 hours before, any election. 52 U.S.C. § 30104(a)(6)(A). The Act further requires notification to be made within 48 hours after the receipt of the contribution and to include the name of the candidate and office sought, the date of receipt, the amount of the contribution, and the identification of the contributor. *Id.* These notification requirements are in addition to all other reporting requirements. 52 U.S.C. § 30104(a). Our records indicate that Dr Tran for Congress did not timely submit 48-Hour Notices for contributions of \$1,000 or more, received between May 17, 2018 and June 2, 2018, totaling \$50,000, as required by 52 U.S.C. § 30104(a)(6)(A). Attachment 1.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109(a)(4). On December 14, 2018, the FEC found that there is Reason to Believe ("RTB") that Dr Tran for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file the 48-Hour Notices. Based on the FEC's schedule of civil money penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at the RTB stage is \$5,142. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 2. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. The amount of the civil money penalty is \$142 for each non-filed notice plus 10 percent of the dollar amount of the contributions not timely reported. The civil money penalty increases by 25 percent for each prior violation. Send your payment of \$5,142 within forty (40) days of the finding, or by January 23, 2019.

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 1050 First Street, NE, Washington, DC 20002. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or January 23, 2019. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

**2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Dr Tran for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate



action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

**NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

**4. Partial Payments**

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

**5. Settlement Offers**

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Aimee Wechsler in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

*Carole C. Hunter*

Caroline C. Hunter  
Chair

---

**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.44, the amount of your civil money penalty calculated at RTB is \$5,142 for the California 2018 Primary Election 48-Hour Notification Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit [www.fec.gov/af/pay.shtml](http://www.fec.gov/af/pay.shtml) to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

---

FOR: Dr Tran for Congress

FEC ID#: C00647081

AF#: 3562

PAYMENT DUE DATE: January 23, 2019

PAYMENT AMOUNT DUE: \$5,142

**Contributions for Which a 48-Hour Notice Was Not Timely Filed**

**AF 3562**

**Committee ID: C00647081**

**Committee Name: Dr Tran for Congress**

**Report Type: 2018 July Quarterly Report (05/17/2018 – 06/30/2018)**

**48-Hour Reporting Period: 05/17/2018 – 06/02/2018**

CONTRIBUTOR	DATE	AMOUNT
TRAN, MAI KHANH	6/1/2018	\$50,000.00
	TOTAL	\$50,000.00

**Proposed Civil Money Penalty: \$5,142.00 ((1 Notice Not Timely Reported at \$142 each) + (10% of the Overall Contributions Not Timely Reported))**

**KAUFMAN LEGAL GROUP**  
A PROFESSIONAL CORPORATION

January 22, 2019

Direct: (213) 452-6547

**VIA EXPRESS OVERNIGHT**

Office of Administrative Review  
Federal Election Commission  
1050 First Street, NE  
Washington, DC 20463

Re: **Dr. Tran for Congress (FEC ID No. C00647081)**  
**Our File No.: TRA2706.001**

To Whom It May Concern:

We write on behalf of our client, Dr. Tran for Congress (FEC ID No. C00647081) in response to your letter dated December 14, 2018. Dr. Tran for Congress is the principal campaign committee of Dr. Mai Khanh Tran, an unsuccessful candidate in the California Primary Election held on June 5, 2018.

The Commission assessed a civil monetary penalty in the amount of \$5,142.00 for the Committee's failure to disclose a single contribution from the Candidate in the amount of \$50,000.00 on a 48-hour report. While we understand that the penalty is based on a pre-determined fee structure, we respectfully request that the Commissioners and the Commission staff review the following mitigating circumstances and waive the liability assessed.

First, we request that you consider this case in light of the fact that the contribution at issue is from the candidate herself. Had the contribution come from any other donor, it would have - at most - triggered a request for additional information from the Commission's Reports and Analysis Division, and never risen to the level of the Administrative Fine Program. Moreover, the Candidate lent herself money throughout the campaign, and the previous four loans totaling \$730,000 were all timely disclosed on her campaign statements. The \$50,000 loan was the final and smallest amount she lent to her campaign. Thus, anyone reviewing her campaign statements already would have been aware that she was self-funding a major portion of her campaign.

Second, we ask that you consider the \$50,000 loan in the context of the Committee's overall activity. The loan at issue represents only 3% of the Committee's total receipts during the election cycle, and only 0.01% of the 6,512 reportable contribution and loan transactions during the election cycle. The Committee does not take lightly its responsibility to disclose all of its financial activity to the public. However, we are simply asking that the Commission consider the fact that this one single transaction not has triggered a penalty of \$5,142.00.

Third, we request that you consider this matter in light of the Candidate and the Committee's status. The Candidate ran and lost in the Primary Election. Since then, the Committee has disbursed all of its remaining funds and filed a termination report. That report has not yet been approved by the Commission's staff due to this pending matter. The Candidate is not seeking any other federal office, does not control any other federal committee and is not soliciting or receiving any funds in connection with any federal election at this time.

Again, the Committee takes its responsibility to the public to disclose its financial activities very seriously. In fact, other than this one matter, the Committee timely filed all other 48-hour reports, quarterly reports and its pre-election report. Further, the Committee has no prior violations on record with the Commission.

Based on the foregoing, the Committee respectfully requests that the Commission waive the \$5,142.00 penalty assessed in its December 14, 2018 letter.

Please contact us should you have any questions regarding this matter.

Very truly yours,



Stacey J. Shin

SJS:SS



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 27, 2019

**REVIEWING OFFICER RECOMMENDATION  
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 3562 – Dr. Tran for Congress and Thao Traci Tran, in her official capacity as Treasurer (C00647081)

**Summary of Recommendation**

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$5,142 civil money penalty.

**Reason-to-Believe Background**

In connection with the 2018 California Primary Election held on June 5, 2018, the respondents were required to file 48-Hour Notices of Contributions/Loans ("48-Hour Notices") for contributions of \$1,000 or more received between May 17, 2018 and June 2, 2018.

On December 14, 2018, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file a 48-Hour Notice for one contribution totaling \$50,000 and made a preliminary determination that the civil money penalty was \$5,142 based on the schedule of penalties at 11 C.F.R. § 111.44. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on December 14, 2018 to notify them of the Commission's RTB finding and civil money penalty.

**Legal Requirements**

The Federal Election Campaign Act ("Act") requires that the principal campaign committee of a candidate must notify the Commission, in writing, of any contribution of \$1,000 or more received after the 20<sup>th</sup> day but more than 48 hours before an election. The principal campaign committee must notify the Commission within 48 hours of receipt of the contribution. The 48-hour notification shall be in addition to all other reporting requirements under the Act. 52 U.S.C. § 30104(a)(6)(A) and 11 C.F.R. § 104.5(f). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on the filing deadline to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

## Summary of Respondents' Challenge

On January 28, 2019, the Commission received the written response ("challenge") from counsel requesting the Commission waive the penalty considering mitigating factors. Counsel explains that the penalty relates to a \$50,000 loan from the Candidate. The Candidate previously made four loans to her campaign totaling \$730,000, all of which were timely reported. Counsel states that this transaction represented 3% of the Committee's total receipts and .01% of its reportable transactions during the election cycle.

The challenge also requests that the Commission consider the status of the Candidate and Committee. The Candidate was unsuccessful in the Primary Election, is not soliciting or receiving any funds in connection with any federal election, and is not seeking any other federal office. The Committee has filed a Termination Report, which has not been approved by the Commission due to this matter.

Counsel concludes by noting that the Committee takes financial disclosure very seriously. Further, the Committee has timely filed all of its reports and other 48-Hour Notices, and it has no prior violations on record.

## Analysis

On September 24, 2018, RAD sent a Request for Additional Information ("RFAI") referencing the Committee's failure to file the 48-Hour Notice in question. The RFAI was sent to the Committee's address of record per the Committee's June 7, 2017 request to receive such notifications on paper in lieu of electronic mail. On November 1, 2018, the RAD Analyst contacted the Committee because a response had not yet been received. Counsel informed the RAD Analyst that they were not aware of the RFAI but would file a response. That same day, the Committee filed the 48-Hour Notice and a response similar to the challenge. See Attachments 4 and 5.

Counsel requests that the Commission consider that this violation relates to a \$50,000 loan from the Candidate. The Reviewing Officer confirms that the 48-Hour Notice requirements do apply to a committee's receipt of candidate loans. The Commission's regulations, publications, and website explain 48-Hour Notice reporting requirements. Candidate loans are specifically included in the definition of a contribution at 11 C.F.R. § 100.52. In addition, page 81 of the *Campaign Guide for Congressional Candidates and Committees* explains that 48-Hour Notice requirements "[apply] to all types of contributions to any authorized committee of the candidate, including...loans from the candidate..."

Further, the Commission notified the Committee of its 48-Hour Notice reporting requirements. On April 30, 2018, the Commission's Information Division sent an email to jguard@kaufmanlegalgroup.com and sshin@kaufmanlegalgroup.com, the email addresses disclosed on the Committee's Statement of Organization. The email included a link to the 2018 California Primary Election Prior Notice on the Commission's website. The notice detailed the reporting requirements in connection with the 2018 California Primary Election, including the 48-Hour Notice requirement for contributions of \$1,000 or more received from May 17, 2018 through

June 2, 2018. Within the Prior Notice, there was a link to the Supplemental Filing Information for Congressional Committees page of the Commission's website, which states:

The principal campaign committee must file notices if any authorized committees receive any contribution (including in-kind gifts or advances of goods or services; Loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running. *See* 11 CFR 104.5(f). (emphasis included)

The Reviewing Officer recognizes the Candidate and Committee may no longer be active in a federal election. However, a committee's intent to terminate is not considered. A committee's history of compliance is also not considered. The challenge fails to adequately address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. 11 C.F.R. § 111.35(b). Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$5,142 civil money penalty.

#### **OAR Recommendations**

1. Adopt the Reviewing Officer Recommendation for AF# 3562 involving Dr. Tran for Congress and Thao Traci Tran, in her official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3562 that Dr. Tran for Congress and Thao Traci Tran, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$5,142 civil money penalty; and
3. Send the appropriate letter.

#### **Attachments**

Attachment 1 –

Attachment 2 – Page 81 of *Campaign Guide for Congressional Candidates and Committees*

Attachment 3 –

Attachment 4 – Declaration from RAD

Attachment 5 – Declaration from OAR



## Filing Reports

### Election Year Reporting

Election years are years in which regularly scheduled federal elections are held (even-numbered years).

#### Pre-Election Reports

In addition to quarterly reports, a committee must file pre-election reports:

- A pre-primary report must be filed before the election in which the candidate seeks nomination.
- A pre-general report must be filed if the candidate runs in the general election.
- A pre-runoff report must be filed when a candidate is involved in a runoff election. (Note: this may be either a primary or a general election.)

A pre-election report is due 12 days before the election and covers activity through the 20th day before the election. If sent by registered or certified mail, priority mail with a delivery confirmation, express mail with a delivery confirmation, or overnight delivery service with an online tracking system, the report must be postmarked no later than the 15th day before the election.<sup>3</sup> 104.5(a)(2)(i).

Authorized committees must file appropriate pre- and post-election reports even if the candidate is unopposed or if the election is not held. AO 1986-21.

#### Post-General Election Reports

There is no requirement for post-primary reports, but a committee must file a post-general report if the candidate runs in the general election. A post-

general election report covers activity through the 20th day after the election and is due 30 days after the election. 104.5(a)(2)(ii). Committees filing the post-general report must include the Post-Election Detailed Summary Page. See Chapter 13, Section 27, for more information. (Committees of campaigns not running in the general election include this form with the year-end report following the election.)

#### Last-Minute Contributions (48-Hour Notice)

Campaign committees must file special notices regarding contributions of \$1,000 or more received less than 20 days but more than 48 hours before 12:01 a.m. of the day of any election in which the candidate is running. 104.5(f). (These are often called "48-Hour Notices.") This rule applies to all types of contributions to any authorized committee of the candidate, including:

- Contributions from the candidate;
- Loans from the candidate and other non-bank sources; and
- Endorsements or guarantees of loans from banks. See Chapter 3, Section 2.

Committees filing electronically must file their 48-hour notices electronically. See Section 5, "Electronic Filing" below.

Paper-filing committees may file their 48-hour notices using FEC Form 6. Alternatively, a paper-filing committee may file online using the FEC's web-based forms ([www.fec.gov/electfil/online.shtml](http://www.fec.gov/electfil/online.shtml)), or may use its own paper or stationery for the notice, provided that it contains the following information:

- The candidate's name and the office sought;
- The identification of the contributor; and
- The amount and date of receipt of the contribution.

Committees filing paper forms may fax the notice to the appropriate office using the following numbers: FEC, 202/219-0174; Secretary of the Senate, 202/224-1851. The committee should keep fax receipts of all transmissions.

The FEC or the Secretary of the Senate must receive the notice within 48 hours of the committee's receipt of the contribution. The committee must itemize all last-minute contributions in the committee's next scheduled report. 104.5(f). See reporting example Chapter 13, Section 15.

<sup>3</sup> In several instances, the Commission has been asked to determine a state's primary date for purposes of the Act. In those states in which a party caucus or convention has authority to select a nominee (Virginia) or has authority to select a nominee and is held in addition to a primary (Connecticut and Utah), pre-election reports must be filed for the caucus or convention. See AOs 2004-20, 1992-25, 2000-29 and "Party Caucus or Convention" in Chapter 4. See also, the Commission's Interpretive Rule on the Date of Political Party Nominations of Candidates for Special Primary Elections in New York at <http://go.usa.gov/8hU9>, and *FEC v. Citizens for Senator Wofford*, No. 1: CV-94-2057, slip op. at 8-10 (M.D. Pa. Sept. 27, 1995) (Holding that state party convention constituted a "primary election" under the Act and Commission regulations even though state law required the party to file a subsequent certificate of nomination with the state.)

**DECLARATION OF KRISTIN D. ROSER**

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Dr Tran for Congress:
  - A) Request for Additional Information for the 2018 July Quarterly Report, dated September 24, 2018, referencing the missing 48-Hour Notice (sent via regular mail to the address of record);
  - B) Termination Denial Letter, dated December 18, 2018, referencing the Termination Report covering July 1, 2018 through September 10, 2018 (sent via regular mail to the address of record);
  - C) Termination Denial Letter, dated February 12, 2019, referencing the Termination Report covering September 11, 2018 through September 30, 2018 (sent via regular mail to the address of record);
  - D) Reason-to-Believe Letter, dated December 14, 2018, referencing the missing 48-Hour Notice (sent via overnight mail to the address of record).
4. I hereby certify that I have searched the Commission's public records and find Dr Tran for Congress filed the missing 48-Hour Notice with the Commission on November 1, 2018.

# **FORGOTTEN**

**Kristin D. Roser**  
Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 18, 2018

Thao Traci Tran, Treasurer  
Dr Tran for Congress  
777 S. Figueroa St.  
Suite 4050  
Los Angeles, CA 90017

Dear Treasurer:

On December 6, 2018, you filed a report requesting that the Federal Election Commission permit Dr Tran for Congress (C00647081) to terminate pursuant to 52 U.S.C. § 30103(d) and 11 CFR § 102.3 of the Commission's Regulations. Because of an administrative fines matter involving your committee, your termination request has been denied.

Your committee must continue to file all required reports with the Commission. You will be notified when your request to terminate has been granted and your committee is no longer required to file reports with the Commission. If you have any questions regarding this matter, please do not hesitate to contact Aimee Wechsler on our toll free number at (800) 424-9530. Her local number is (202) 694-1194.

Sincerely,

*Debbie Chacona*

Debbie Chacona  
Assistant Staff Director  
Reports Analysis Division



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 12, 2019

Thao Traci Tran, Treasurer  
Dr Tran for Congress  
777 S. Figueroa St.  
Suite 4050  
Los Angeles, CA 90017

Dear Treasurer:

On January 31, 2019, you filed a report requesting that the Federal Election Commission permit Dr Tran for Congress (C00647081) to terminate pursuant to 52 U.S.C. § 30103(d) and 11 CFR § 102.3 of the Commission's Regulations. Because of an administrative fines matter involving your committee, your termination request has been denied.

Your committee must continue to file all required reports with the Commission. You will be notified when your request to terminate has been granted and your committee is no longer required to file reports with the Commission. If you have any questions regarding this matter, please do not hesitate to contact Aimee Wechsler on our toll free number at (800) 424-9530. Her local number is (202) 694-1194.

Sincerely,

*Debbie Chacona*

Debbie Chacona  
Assistant Staff Director  
Reports Analysis Division



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

September 24, 2018

THAO TRACI TRAN, TREASURER  
DR TRAN FOR CONGRESS  
777 S. FIGUEROA ST., SUITE 4050  
LOS ANGELES, CA 90017

Response Due Date  
10/29/2018

IDENTIFICATION NUMBER: C00647081

REFERENCE: JULY QUARTERLY REPORT (05/17/2018 - 06/30/2018)

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **Failure to adequately respond by the response date noted above could result in an audit or enforcement action.** Additional information is needed for the following 1 item(s):

- Schedule A of your report indicates that your committee may have failed to file one or more of the required 48-hour notices regarding "last minute" contributions (to include loans, in-kind contributions, and advances) received by your committee after the close of books for the 12 Day Pre-Primary Report (see attached). A principal campaign committee must notify the Commission, in writing, within 48 hours of any contribution of \$1,000 or more received between two and twenty days before an election. These contributions are then reported on the next report required to be filed by the committee. To ensure that the Commission is notified of last minute contributions of \$1,000 or more to your campaign, it is recommended that you review your procedures for checking contributions received during the aforementioned time period. The failure to file 48-hour notices may result in civil money penalties or legal enforcement action. (11 CFR § 104.5(f))

If any contribution of \$1,000 or more was incorrectly reported, you must amend your original report with the clarifying information.

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to

DR TRAN FOR CONGRESS

Page 2 of 2

taking enforcement action. **Requests for extensions of time in which to respond will not be considered.**

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. For additional information about the report review process or specific filing information for your committee type, please visit <http://transition.fec.gov/rad/>. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1138.

Sincerely,



Carolina Mongeon  
Sr. Campaign Finance & Reviewing Analyst  
Reports Analysis Division

**Dr. Tran for Congress (C00647081)**

Contributor Name	Date	Amount	Election
Tran, Mai Khanh	6/1/18	\$50,000.00	P2018

100022240



### DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) The principal campaign committee of a candidate must file notifications disclosing contributions of \$1,000 or more which are received after the 20<sup>th</sup> day but more than 48 hours before an election. These notifications (also called 48-Hour Notices) must be filed with the Commission within 48 hours of the committee's receipt of the contribution(s).
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
  - a) Form 99 (Miscellaneous Electronic Submission) filed by Dr. Tran for Congress and Thao Traci Tran, in her official capacity as Treasurer, and received on June 7, 2017.
  - b) Cover Page, Summary and Detailed Summary Pages, and one page of Schedule A of the 2018 July Quarterly Report filed by Dr. Tran for Congress and Thao Traci Tran, in her official capacity as Treasurer, and received on July 13, 2018.
  - c) Form 99 (Miscellaneous Electronic Submission) filed by Dr. Tran for Congress and Thao Traci Tran, in her official capacity as Treasurer, and received on November 1, 2018.
  - d) 48-Hour Notice filed by Dr. Tran for Congress and Thao Traci Tran, in her official capacity as Treasurer, and received on November 1, 2018.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 27th day of March, 2019.

*Rhiannon Magruder*

Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

**MISCELLANEOUS TEXT (FEC Form 99)**

**PAGE 1 / 1**

**NAME OF COMMITTEE (In Full)**  
**Dr Tran for Congress**

**FEC IDENTIFICATION NUMBER**  
**C00647081**

**Mailing Address** 777 S. Figueroa St., Ste. 4050

<b>City</b>	<b>State</b>	<b>ZIP Code</b>
<b>Los Angeles</b>	<b>CA</b>	<b>90017</b>

**This shall serve as a request to receive all Requests for Additional Information (RFAs) on paper via U.S. Mail in lieu of electronic mail.**

**FEC  
FORM 3****REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For An Authorized Committee

Office Use Only

1. NAME OF  
COMMITTEE (in full)

TYPE OR PRINT ▼

Example: If typing, type  
over the lines.

12FE4M5

Dr Tran for Congress

ADDRESS (number and street)

777 S. Figueroa St., Suite 4050

Check if different  
than previously  
reported. (ACC)

Los Angeles

CA

90017

CITY ▲

STATE ▲

ZIP CODE ▲

2. FEC IDENTIFICATION NUMBER ▼

C C00647081

3. IS THIS  
REPORTNEW  
(N)

OR

AMENDED  
(A)

STATE ▼ DISTRICT

CA

39

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:



April 15 Quarterly Report (Q1)



July 15 Quarterly Report (Q2)



October 15 Quarterly Report (Q3)



January 31 Year-End Report (YE)



Termination Report (TER)

(b) 12-Day PRE-Election Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

MM / DD / YYYY

in the  
State of

(c) 30-Day POST-Election Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

MM / DD / YYYY

in the  
State of

5. Covering Period

MM / DD / YYYY  
05 / 17 / 2018

through

MM / DD / YYYY  
06 / 30 / 2018

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Tran, Thao Traci, .

Signature of Treasurer

Tran, Thao Traci, .

[Electronically Filed]

Date

MM / DD / YYYY  
07 / 13 / 2018

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. §30109.

Office  
Use  
Only**FEC FORM 3**  
(Revised 05/2016)

# **SUMMARY PAGE** of Receipts and Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 2 / 126

Write or Type Committee Name  
**Dr Tran for Congress**

Report Covering the Period:

From:

M M / D D / Y Y Y Y  
05 17 2018

To:

M M / D D / Y Y Y Y  
06 30 2018

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
<b>6. Net Contributions (other than loans)</b>		
(a) Total Contributions (other than loans) (from Line 11(e)) ....	25715.17	746635.41
(b) Total Contribution Refunds (from Line 20(d)) .....	201.00	8291.07
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)) .....	25514.17	738344.34
<b>7. Net Operating Expenditures</b>		
(a) Total Operating Expenditures (from Line 17) .....	145484.18	1373961.63
(b) Total Offsets to Operating Expenditures (from Line 14) .....	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)) .....	145484.18	1373961.63
<b>8. Cash on Hand at Close of Reporting Period (from Line 27) .....</b>	<b>158993.61</b>	
<b>9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D) .....</b>	<b>0.00</b>	
<b>10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D) .....</b>	<b>780721.63</b>	

**For further information contact:**

Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Toll Free 800-424-9530  
Local 202-694-1100

# **DETAILED SUMMARY PAGE** of Receipts

FEC Form 3 (Revised 05/2016)

PAGE 3 / 126

Write or Type Committee Name

Dr Tran for Congress

Report Covering the Period:

From:

M	M	/	D	D	/	Y	Y	Y	Y
0	5	/	1	7	/	2	0	1	8

To:

M	M	/	D	D	/	Y	Y	Y	Y
0	6	/	3	0	/	2	0	1	8

I. RECEIPTS	COLUMN A Total This Period	COLUMN B Election Cycle-to-Date
<b>11. CONTRIBUTIONS (other than loans) FROM:</b>		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	14224.23	560290.80
(ii) Unitemized .....	11490.94	158744.81
(iii) TOTAL of contributions from individuals .....	25715.17	719035.41
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs) .....	0.00	27600.00
(d) The Candidate .....	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d))..	25715.17	746635.41
<b>12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES .....</b>	1624.26	19624.26
<b>13. LOANS:</b>		
(a) Made or Guaranteed by the Candidate.....	50000.00	780000.00
(b) All Other Loans.....	0.00	0.00
(c) TOTAL LOANS (add Lines 13(a) and (b)).....	50000.00	780000.00
<b>14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.) .....</b>	0.00	0.00
<b>15. OTHER RECEIPTS (Dividends, Interest, etc.).....</b>	0.00	181.64
<b>16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4).....</b>	77339.43	1548421.31

# **DETAILED SUMMARY PAGE** of Disbursements

FEC Form 3 (Revised 05/2016)

PAGE 4 / 126

**II. DISBURSEMENTS**
**COLUMN A**  
Total This Period

**COLUMN B**  
Election Cycle-to-Date

17. OPERATING EXPENDITURES.....	145484.18	1373981.63
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES .....	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of All Other Loans .....	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees .....	201.00	8291.07
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs) .....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	201.00	8291.07
21. OTHER DISBURSEMENTS .....	500.00	5175.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ►	146185.18	1387427.70

**III. CASH SUMMARY**

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	227839.36
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	77339.43
25. SUBTOTAL (add Line 23 and Line 24).....	305178.79
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	146185.18
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	158993.61

**SCHEDULE A (FEC Form 3)**  
**ITEMIZED RECEIPTS**

 Use separate schedule(s)  
 for each category of the  
 Detailed Summary Page

 FOR LINE NUMBER: PAGE 86 OF 126  
 (check only one)

<input type="checkbox"/> 11a	<input type="checkbox"/> 11b	<input type="checkbox"/> 11c	<input type="checkbox"/> 11d	<input type="checkbox"/> 15
<input type="checkbox"/> 12	<input checked="" type="checkbox"/> 13a	<input type="checkbox"/> 13b	<input type="checkbox"/> 14	

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Dr Tran for Congress

Full Name (Last, First, Middle Initial)

Tran, Mai Khanh, . .

A.

Mailing Address 9337 Lily Ave

City

Fountain Valley

State

CA

Zip Code

92708-2263

FEC ID number of contributing  
federal political committee.

C

H8CA39158

Name of Employer

Edinger Medical Group

Occupation

Physician

Receipt For: 2018

☒

Primary

☐

General

☐

Other (specify) ▼

Election Cycle-to-Date ▼

780000.00

Date of Receipt

M	M	/	D	D	/	Y	Y	Y	Y
06			01			2018			

Transaction ID : VTQYEDR1BQ8

Amount of Each Receipt this Period

50000.00

☐ Memo Item

Full Name (Last, First, Middle Initial)

B.

Mailing Address

City

State

Zip Code

FEC ID number of contributing  
federal political committee.

C

Name of Employer

Occupation

Receipt For:

☐

Primary

☐

General

☐

Other (specify) ▼

Election Cycle-to-Date ▼

Date of Receipt

M	M	/	D	D	/	Y	Y	Y	Y

Amount of Each Receipt this Period

☐ Memo Item

Full Name (Last, First, Middle Initial)

C.

Mailing Address

City

State

Zip Code

FEC ID number of contributing  
federal political committee.

C

Name of Employer

Occupation

Receipt For:

☐

Primary

☐

General

☐

Other (specify) ▼

Election Cycle-to-Date ▼

Date of Receipt

M	M	/	D	D	/	Y	Y	Y	Y

Amount of Each Receipt this Period

☐ Memo Item

SUBTOTAL of Receipts This Page (optional).....▶

50000.00

TOTAL This Period (last page this line number only).....▶

50000.00

**MISCELLANEOUS TEXT (FEC Form 99)**

PAGE 1 / 1

NAME OF COMMITTEE (In Full)  
**DR TRAN FOR CONGRESS**FEC IDENTIFICATION NUMBER  
**C00647081**Mailing Address **777 S. FIGUEROA ST., SUITE 4050**

City	State	ZIP Code
LOS ANGELES	CA	90017

This responds to your letter dated September 24, 2018, regarding the Committee's July Quarterly Report (May 17, 2018 through June 30, 2018). As we advised you today by telephone, the Committee did not receive your RFAI and only learned about this issue as a result of your telephone call.

The Committee received a personal loan for \$50,000 from the candidate on June 1, 2018. Although a 48-hour report was not filed at the time, the Committee has now filed a 48-hour report for this loan to complete the public record. During the 2017-2018 election cycle, the Committee timely filed all other 48-hour reports, quarterly reports and pre-election report, and has no prior violation on record with the Federal Election Commission. The loan at issue represents only 3% of the Committee's total receipts during the election cycle. Further, the Committee reported a total of 6,512 contribution and loan transactions. Thus, the loan at issue represents only 0.01% of the number of reportable transactions during the election cycle.

Please contact us should you require any additional information.

100002724748



**Image# 201811019133576334**

## 48-HOUR NOTICE OF CONTRIBUTIONS/LOANS RECEIVED

**(See Reverse Side for Instructions)**

**To be used to report all contributions (including loans) of \$1000 or more, received within 20 days of the election.**

<b>1. NAME OF COMMITTEE IN FULL</b> <b>DR TRAN FOR CONGRESS</b>				
<b>ADDRESS (number and street)</b> 777 S. FIGUEROA ST., SUITE 4050				
<b>CITY</b> LOS ANGELES		<b>STATE</b> CA		<b>ZIP CODE</b> 90017
<b>2. NAME OF CANDIDATE</b> Tran, Mai-Khanh, , ,			<b>3. OFFICE SOUGHT (State and District)</b> House CA 39	
<b>4. FEC IDENTIFICATION NUMBER</b> C00647081				
<b>5. IS THIS AN AMENDMENT?</b> <input checked="" type="checkbox"/> NO, THIS IS A NEW FILING <input type="checkbox"/> YES, IT AMENDS THE NOTICE FILED ON _____ / _____ / _____				
<b>A. FULL NAME</b> Tran, Mai-Khanh, , ,			<b>Name of Employer</b> Edinger Medical Group	
<b>MAILING ADDRESS</b> 9337 Lily Ave.			<b>Date (month, day, year)</b> 06/01/2018	
<b>Transaction ID : WFT20181011555-1</b>			<b>Amount</b> 50000.00	
<b>CITY</b> Fountain Valley		<b>STATE</b> CA		<b>ZIP CODE</b> 92708
<b>Occupation</b> Physician				
<b>B. FULL NAME</b>			<b>Name of Employer</b>	
<b>MAILING ADDRESS</b>			<b>Date (month, day, year)</b>	
<b>Amount</b>				
<b>CITY</b>		<b>STATE</b>		<b>ZIP CODE</b>
<b>Occupation</b>				
<b>C. FULL NAME</b>			<b>Name of Employer</b>	
<b>MAILING ADDRESS</b>			<b>Date (month, day, year)</b>	
<b>Amount</b>				
<b>CITY</b>		<b>STATE</b>		<b>ZIP CODE</b>
<b>Occupation</b>				
<b>D. FULL NAME</b>			<b>Name of Employer</b>	
<b>MAILING ADDRESS</b>			<b>Date (month, day, year)</b>	
<b>Amount</b>				
<b>CITY</b>		<b>STATE</b>		<b>ZIP CODE</b>
<b>Occupation</b>				
<b>E. FULL NAME</b>			<b>Name of Employer</b>	
<b>MAILING ADDRESS</b>			<b>Date (month, day, year)</b>	
<b>Amount</b>				
<b>CITY</b>		<b>STATE</b>		<b>ZIP CODE</b>
<b>Occupation</b>				
<b>SIGNATURE (optional)</b> Cao, Michelle, , ,			<b>DATE</b> 11/01/2018	
<i>[Electronically Filed]</i>			<b>For further information contact:</b> Federal Election Commission 999 E Street, NW, Washington, DC 20468 Toll Free 800-424-9530, Local 202-694-1100	

Any information copied from reports and statements filed under the Federal Election Campaign Act may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes other than using the name and address of any political committee to solicit contributions from such committee.

**FEC FORM 6**  
(Revised 03/2016)

(Revised 03/2016)



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

March 28, 2019

Stacey Shin  
Kaufman Legal Group  
777 S. Figueroa St., Suite 4050  
Los Angeles, CA 90017

Dr. Tran for Congress  
C00647081  
AF#: 3562

Dear Ms. Shin:

On December 14, 2018, the Commission found reason to believe ("RTB") that Dr. Tran for Congress and Thao Traci Tran, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file a 48-Hour Notice for one contribution totaling \$50,000 and made a preliminary determination that the civil money penalty was \$5,142 based on the schedule of penalties at 11 C.F.R. § 111.44.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1158 if you have any questions.

Sincerely,

*Rhiannon Magruder*

Rhiannon Magruder  
Reviewing Officer  
Office of Administrative Review

**KAUFMAN LEGAL GROUP**  
A PROFESSIONAL CORPORATION

RELEVANT  
11.11.2013

2019 APR -8 AM 11:54

**April 5, 2019**

**Direct: (213) 452-6547**

**VIA FAX**

**Commission Secretary  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463**

**Re: Dr. Tran for Congress (FEC ID No. C00647081) – AF #3562**  
**Our File No.: TRA2706.001**

**To Whom It May Concern:**

**We write on behalf of our client, Dr. Tran for Congress (FEC ID No. C00647081) in response to the Office of Administrative Review's letter dated March 28, 2019, to reiterate arguments to the Commission for waiver or abatement of a civil monetary penalty assessed against our client, Dr. Tran for Congress, as set forth in our January 22, 2019 letter.**

**Dr. Tran for Congress is the principal campaign committee of Dr. Mai Khanh Tran, an unsuccessful candidate in the California Primary Election held on June 5, 2018.**

**The Commission assessed a civil monetary penalty in the amount of \$5,142.00 for the Committee's failure to disclose a single contribution from the Candidate in the amount of \$50,000.00 on a 48-hour report. While we understand that the penalty is based on a pre-determined fee structure, we respectfully request that the Commissioners and the Commission staff review the following mitigating circumstances and waive the liability assessed.**

**First, we request that you consider this case in light of the fact that the contribution at issue is from the candidate herself. Had the contribution come from any other donor, it would have – at most – triggered a request for additional information from the Commission’s Reports and Analysis Division, and never risen to the level of the Administrative Fine Program. Moreover, the Candidate lent herself money throughout the campaign, and the previous four loans totaling \$730,000 were all timely disclosed on her campaign statements. The \$50,000 loan was the final and smallest amount she lent to her campaign. Thus, anyone reviewing her campaign statements already would have been aware that she was self-funding a major portion of her campaign.**

**Second, we ask that you consider the \$50,000 loan in the context of the Committee's overall activity. The loan at issue represents only 3% of the Committee's total receipts during the election cycle, and only 0.01% of the 6,512 reportable contribution and loan transactions during the election cycle. The Committee does not take lightly its responsibility to disclose all of its**

Commission Secretary, Federal Election Commission  
April 5, 2019  
Page 2

financial activity to the public. However, we are simply asking that the Commission consider the fact that this one single transaction not has triggered a penalty of \$5,142.00.

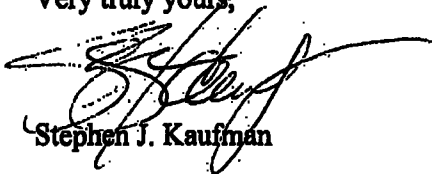
Third, we request that you consider this matter in light of the Candidate and the Committee's status. The Candidate ran and lost in the Primary Election. Since then, the Committee has disbursed all of its remaining funds and filed a termination report. That report has not yet been approved by the Commission's staff due to this pending matter. The Candidate is not seeking any other federal office, does not control any other federal committee and is not soliciting or receiving any funds in connection with any federal election at this time.

Again, the Committee takes its responsibility to the public to disclose its financial activities very seriously. In fact, other than this one matter, the Committee timely filed all other 48-hour reports, quarterly reports and its pre-election report. Further, the Committee has no prior violations on record with the Commission.

Based on the foregoing, the Committee respectfully requests again that the Commission waive or abate the \$5,142.00 penalty assessed in its December 14, 2018, letter.

Please contact us should you have any questions regarding this matter.

Very truly yours;



Stephen J. Kaufman

SJK:vcc



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION COMMISSION

2019 APR -8 PM 3:37

**SENSITIVE**

April 8, 2019

**MEMORANDUM**

**To:** The Commission

**Through:** Alec Palmer *AP* by *MAH*  
Staff Director

**From:** Patricia C. Orrock *PCO*  
Chief Compliance Officer

Rhiannon Magruder *RM*  
Reviewing Officer  
Office of Administrative Review

**Subject:** Final Determination Recommendation in AF# 3562 – Dr. Tran for Congress and  
Thao Traci Tran, in her official capacity as Treasurer (C00647081)

On December 14, 2018, the Commission found reason to believe (“RTB”) that Dr. Tran for Congress and Thao Traci Tran, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file a 48-Hour Notice for one contribution totaling \$50,000 and made a preliminary determination that the civil money penalty was \$5,142 based on the schedule of penalties at 11 C.F.R. § 111.44.

On January 28, 2019, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer Recommendation (“ROR”) dated March 27, 2019 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$5,142 civil money penalty.

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). On April 8, 2019, the Commission received a response reiterating the points made in the original challenge. The Reviewing Officer’s analysis and recommendations are unchanged. The Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$5,142 civil money penalty.

100627-21454

1. Adopt the Reviewing Officer Recommendation for AF# 3562 involving Dr. Tran for Congress and Thao Traci Tran, in her official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3562 that Dr. Tran for Congress and Thao Traci Tran, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$5,142 civil money penalty; and
3. Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) AF 3562  
Final Determination Recommendation: )  
Dr. Tran for Congress and Thao Traci )  
Tran, in her official capacity as Treasurer )  
(C00647081) )

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election  
Commission, do hereby certify that on April 18, 2019, the Commission decided  
by a vote of 4-0 to take the following actions in AF 3562:

1. Adopt the Reviewing Officer Recommendation for AF# 3562  
involving Dr. Tran for Congress and Thao Traci Tran, in her official  
capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 3562 that Dr. Tran for Congress  
and Thao Traci Tran, in her official capacity as Treasurer, violated  
52 U.S.C. § 30104(a) and assess a \$5,142 civil money penalty.
3. Send the appropriate letter.

Commissioners Hunter, Petersen, Walther, and Weintraub voted  
affirmatively for the decision.

Attest:

Apr 18, 2019  
Date

Dayna C. Brown  
Dayna C. Brown  
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

April 24, 2019

Stacey Shin  
Kaufman Legal Group  
777 S. Figueroa St., Suite 4050  
Los Angeles, CA 90017

Dr. Tran for Congress  
C00647081  
AF#: 3562

Dear Ms. Shin:

On December 14, 2018, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Dr. Tran for Congress and Thao Traci Tran, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file a 48-Hour Notice. By letter dated December 14, 2018, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$5,142 in accordance with the schedule of penalties at 11 C.F.R. § 111.44. On January 28, 2019, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Dr. Tran for Congress and Thao Traci Tran, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assess a civil money penalty in the amount of \$5,142 in accordance with 11 C.F.R. § 111.44. The Reviewing Officer Recommendation was sent to you on March 26, 2019. On April 8, 2019, the Commission received your response to the ROR.

On April 18, 2019, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Dr. Tran for Congress and Thao Traci Tran, in her official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assessed a civil money penalty in the amount of \$5,142. A copy of the Final Determination Recommendation is attached.



At this juncture, the following courses of action are available to you:

**1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the U.S. District Court for the district in which the committee or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 CFR § 111.38.

**2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 30% of the civil money penalty amount for its collection services. If the age of the debt is greater than or equal to two years old, Treasury will charge a fee of 32% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within thirty (30) days of receipt of this letter.

## **NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS**

### **4. Partial Payments**

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

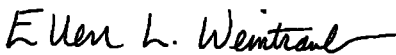
### **5. Settlement Offers**

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

  
Ellen L. Weintraub  
Chair

-----  
**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.44, the civil money penalty is \$5,142 for a 48-Hour Notice.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit [www.fec.gov/af/pay.shtml](http://www.fec.gov/af/pay.shtml) to be directed to Pay.gov's Administrative Fine Program Payment form. This penalty may also be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
PO Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
-----

FOR: Dr. Tran for Congress

FEC ID#: C00647081

AF#: 3562

PAYMENT AMOUNT DUE: \$5,142

